UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:05cv108-RJC-DSC

RICHARD RINALDI,)	
Plaintiff,)	
v.)	ORDER
CCX, INC.,)	
Defendant.)	

THIS MATTER is before the Court on an Order of Remand (Doc. No. 91) from the United States Court of Appeals for the Fourth Circuit to consider an award of court costs to the plaintiff. The plaintiff has previously submitted to the Court a Bill of Costs (Doc. No. 69) totaling \$9,392.28. Recent Fourth Circuit precedent has clarified that Fed. R. Civ. P. 54 gives rise to a presumption in favor of awarding costs to the prevailing party in an ERISA action. See Williams v. Metro. Life Ins. Co., 609 F.3d 622, 636 (4th Cir. 2010). Accordingly, the Court has considered all relevant factors and will amend its February 18, 2009, Order (Doc. No. 73) to include an award of costs. Postjudgment interest shall accrue from May 14, 2009, the original date of entry of final judgment. See McDevitt and Street Co. v. Marriott Corp., 948 F.2d 1281, 1991 WL 244690, at *2 (4th Cir. Nov. 22, 1991) (unpublished) (citing Kaiser Aluminum & Chem. Corp. v. Bonjorno, 494 U.S. 827 (1990)); BankAtlantic v. Blythe Eastman Paine Webber, Inc., 12 F.3d 1045, 1052 (11th Cir. 1994).

IT IS, THEREFORE, ORDERED that the Court's Order (Doc. No. 73) is hereby **AMENDED** to include an award of costs in favor of the plaintiff in the amount of \$9,392.28 plus postjudgment interest accruing from May 14, 2009, at the rate prescribed by 28 U.S.C. § 1961(a) until the judgment is satisfied. All other aspects of the Court's prior Orders shall remain in full effect.

SO ORDERED.

Signed: August 20, 2010

Robert J. Conrad, Jr. Chief United States District Judge